



Senate

General Assembly

File No. 250

January Session, 2009

Substitute Senate Bill No. 893

Senate, March 26, 2009

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NOTIFICATION TO THE OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES OF DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES CLIENT DEATHS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 17a-451 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (d) The commissioner shall coordinate the community programs
5 receiving state funds with programs of state-operated facilities for the
6 treatment of persons with psychiatric disabilities or persons with
7 substance use disorders, or both. In the event of the death of a person
8 with psychiatric disabilities, who is receiving inpatient behavioral
9 health care services from a Department of Mental Health and
10 Addiction Services operated facility, the commissioner shall report
11 such death to the director of the Office of Protection and Advocacy for
12 Persons with Disabilities not later than thirty days after the date of the

13 death of such person.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	17a-451(d)
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HS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill requires the Commissioner of the Department of Mental Health and Addiction Services (DMHAS) to report the death of a person with psychiatric disability, who is receiving inpatient behavioral health care services from a DMHAS operated facility, to the director of the Office of Protection and Advocacy for Persons with Disabilities. This requirement will not result in any increased cost to either department.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis**sSB 893*****AN ACT CONCERNING NOTIFICATION TO THE OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES OF DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES CLIENT DEATHS.*****SUMMARY:**

This bill requires the Department of Mental Health and Addiction Services (DMHAS) commissioner to report to the Office of Protection and Advocacy for Persons with Disabilities (OPA) director, the death of any individual receiving inpatient behavioral health services from a DMHAS-operated facility. The OPA director must be notified no later than 30 days after the individual's death.

Current law requires only that the commissioner report to the OPA director incidents in which a person is seriously injured or dies as a result of the use of physical restraint or seclusion in a facility DHMAS operates, licenses, or supports (CGS § 46a-152, 153).

EFFECTIVE DATE: Upon passage

BACKGROUND***OPA Abuse and Neglect Reports***

OPA is an independent state agency whose purpose is to protect and advocate for the civil rights of people with disabilities of all types. State law requires OPA to investigate reports of alleged abuse or neglect of adults ages 18 to 59 with mental retardation and investigate Department of Developmental Services (DDS) client deaths believed to be caused by abuse or neglect (CGS §§ 46a-10, 11). Federal law also authorizes OPA to investigate abuse and neglect allegations of individuals with mental illness who reside in supervised facilities and

the community (42 U.S.C. § 10801).

By executive order, the DDS commissioner must report to OPA all deaths of anyone placed or treated under his direction, regardless of whether abuse or neglect may have contributed. State law also requires him, when he determines that there is “reasonable cause to suspect or believe” that the death of a DDS client was due to abuse or neglect, to notify the OPA director within 24 hours (2002 Executive Order No. 25, CGS § 46a-11c). These reporting requirements apply only to DDS and not to DHMAS client deaths.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/10/2009)